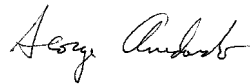


For: State and County Offices, Except PR

AMS Clarification of Counting the Ballots in the Pork Referendum

Approved by: Associate Administrator for Operations and Management



1 Overview

A

Background

Under the Pork Promotion, Research, and Consumer Information Act of 1985, a referendum was held in 1988 and voters approved the Pork Checkoff Program. Another referendum will be conducted to determine whether the program should be continued August 18, 2000, through September 21, 2000.

If the results of the referendum show that the majority of voters want to continue the assessment of 0.45 percent of the market value of hogs and pigs sold, the assessment will continue in effect.

The Administrator, AMS, is responsible for conducting the referendum. FSA shall assist in conducting the referendum by:

- publicizing the referendum
- supplying ballots and receiving voted ballots
- determining the eligibility of challenged voters
- counting ballots
- reporting referendum results.

Continued on the next page

Disposal Date

April 1, 2001

Distribution

State Offices, except PR; State Offices relay to
County Offices

1 Overview (Continued)

B

Purpose

This notice:

- provides producer eligibility requirements
 - provides procedures for:
 - County and combined County Office actions
 - maintaining voter's lists
 - resolution of challenges
 - appeals
 - counting ballots
 - disposition of records
 - obsoletes Notice AO-1217.
-

C

Contents of This Notice

This notice contains instructions for the following:

- Letter to Challenged Voter (Exhibit 1)
 - Letter to Ineligible Voter (Exhibit 2)
 - Letter to Eligible Voter (Exhibit 3)
 - County Office Pork Referendum Report (Exhibit 4)
 - State Office Pork Referendum Report (Exhibit 5)
 - Referendum Calendar (Exhibit 6)
 - County Office Pork Referendum Costs Report (Exhibit 7)
 - Press Releases, "USDA Announces Procedures, Dates for Referendum on Pork Checkoff" and "AMS Announces Procedures, Dates for Referendum on Pork Checkoff" (Exhibit 8)
-

Continued on the next page

1 Overview (Continued)

C

Contents of This Notice (Continued)

- LS-72, In-Person Ballot (Exhibit 9)
 - LS-72-1, Pork Ballot envelope (Exhibit 10)
 - LS-72-2, In-Person Registration and Certification (Exhibit 11)
 - LS-73, Combined Registration and Absentee Ballot (Exhibit 12)
 - LS-73-1, Pork Referendum envelope (Exhibit 13)
 - LS-74, Absentee Voter Request List (Exhibit 14)
 - LS-75, In-Person Voter Registration List (Exhibit 15)
 - transmittal letter from County FSA office to pork producer requesting absentee ballot package (Exhibit 16)
 - transmittal letter from County FSA Office to producer to send AMS Administrator's appeal approval letter (Exhibit 17)
 - transmittal letter from County Office to producer to send AMS Administrator's appeal denial letter (Exhibit 18)
 - State Summary FSA Pork Referendum Costs Report (Exhibit 19)
 - voting materials for posting in the County Office (Exhibit 20)
 - graphic diagram of absentee and in-person voting (Exhibit 21).
-

2 General Referendum Information

A

Impartiality

FSA is assisting AMS by conducting this referendum at their request. State and County Office employees, and committee members, must use caution so that it does not appear that FSA is showing bias or partiality. State and County Offices shall not become involved in:

- issues relating to the USDA regulations in 7 CFR 1230
 - encouraging a "Yes" or a "No" vote
 - determination of eligibility other than in an official capacity
 - prejudice for or against the Pork Checkoff Program.
-

Continued on the next page

2 General Referendum Information (Continued)

B

Publicity

State and County Offices shall immediately publicize the referendum. Use Exhibit 8 and ensure that some form of publicity appears in the following:

- local newspapers
- County Office newsletters
- local radio or TV, if not cost prohibitive.

Note: Copies of County Office newsletters, radio scripts, TV scripts, and articles cut from newspapers shall be sent to the State Office with the County Office report shown in Exhibit 7.

C

Posting Information

Beginning August 1, County Offices shall post the following and any other form of appropriate notification of the referendum in the County Office and in other public locations throughout the county:

- a copy of the Pork Promotion, Research, and Consumer Information Order
 - a copy of Exhibit 8
 - a copy of Exhibit 20
 - a copy of Exhibit 21.
-

D

County Office Action

County Offices shall not:

- deny any person the opportunity to vote in the referendum
 - require a producer to provide evidence or make any determination of any person's eligibility unless a valid challenge of a person's eligibility is received.
-

E

Combined and Shared Management County Offices

County Offices shall maintain separate LS-74's and LS-75's for each county in the combination or shared management operation. All votes, challenges, determinations, and records shall be kept separate, by county, and must be reported separately by county.

Continued on the next page

2 General Referendum Information (Continued)

F

Ballot Boxes

County Offices shall provide ballot boxes for the referendum. County Offices that serve more than 1 county will keep separate ballot boxes for each county served. County employees shall ensure that all ballots are kept secure during the referendum.

G

Referendum Forms

Forms for the referendum are listed in this table.

| Form Number | Title | Description |
|-------------|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LS-72 | In-Person Voting (ballot) | Producers voting in person must complete LS-72. See Exhibit 9 - In-person voting only. |
| LS-72-1 | Pork Ballot (envelope) | Producers must complete the applicable ballot and insert the ballot into the Pork Ballot envelope. See Exhibit 10 - In-person voting and absentee voting. |
| LS-72-2 | In-Person Registration and Certification (envelope) | Producers voting in person must complete the certification and registration printed on this envelope. The producer inserts the Pork Ballot envelope with the enclosed ballot into this envelope. See Exhibit 11 - In-person voting. |
| LS-73 | Absentee Voting (registration, certification, and ballot) | Producers voting by absentee ballot must complete this combined registration, certification, and ballot form. See Exhibit 12 - Absentee voting. |

Continued on the next page

2 General Referendum Information (Continued)

G
Referendum
Forms
(Continued)

| Form Number | Title | Description |
|-------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LS-73-1 | Pork Referendum (absentee voter envelope) | Producers voting by absentee ballot must complete the combined registration, certification, and ballot form and insert the ballot portion in LS-72-1, Pork Ballot envelope. Insert the Pork Ballot envelope and the combined registration and certification portion into this envelope . See Exhibit 13 - Absentee voting. |
| LS-74 | Absentee Voter Request List | A list maintained by the County Office to document necessary data for producers requesting an absentee ballot. See Exhibit 14 - Absentee voting. |
| LS-75 | In-Person Voter Registration List | A list maintained by the County Office for producers voting in person to register to vote. See Exhibit 15 - In-person voting. |

Instructions for the distribution of the following forms have been sent to County Offices:

- LS-72
- LS-73
- LS-72-1
- LS-72-2
- LS-73-1
- copies of the Pork Promotion, Research, and Consumer Information Order
- lists of the number of pork producers in each county.

LS-74 and LS-75 are available on:

- BBS from the FSA Forms Library
- the FSA Forms Online Website at <http://www.fsa.usda.gov/dam/forms/fsaforms.asp>.

Note: If forms cannot be downloaded electronically, reproduce locally by using Exhibits 14 and 15.

County Offices shall maintain control of the original copies of completed LS-74's and LS-75's.

Continued on the next page

2 General Referendum Information (Continued)

H

**Lists of
Producers**

A photocopy of each LS-74 and LS-75 shall be posted and made available for public inspection each day beginning on September 19, 2000, through October 2, 2000. Maintain a separate list of all producers requesting a copy of LS-74 and/or LS-75.

Note: Producers may request copies of LS-74's or LS-75's. Requests must be made in person during the period from September 19 through October 2, 2000. County Office shall not relinquish custody of the original lists.

I

Counting Ballots

County Offices shall count the ballots on November 29, 2000.

J

**Reporting
Results**

County Offices shall:

- prepare a report according to Exhibit 4
- FAX the report to the State Office by December 1, 2000.

State Offices shall:

- prepare a report according to Exhibit 5
 - FAX the report to ORAS at 202-690-3354 by December 8, 2000.
-

K

**Work
Measurement,
Workload, and
Expenses**

County Offices shall:

- record on Exhibit 7:
 - time for conducting the referendum in Work Item 102, "Service Performed for Government Agencies"
 - expenses incurred including work hours by grade and hourly rate, and for advertising, reproduction, and mailing expenses including paper, envelopes, and postage.
 - FAX to the State Office a completed Exhibit 7 with the referendum results.
-

3 Referendum Requirements

A

In-Person Voting

County Offices must provide all persons the opportunity to vote during regular business hours during the period of September 19 through September 21, 2000.

Ballots must be filed in the County Office where the producer's farm records are administratively located or, for other producers, in the county where the producer owns hogs or pigs.

Producers voting in person must register to vote on LS-75, providing all requested data.

Producers must:

- complete LS-72 and insert the ballot into the LS-72-1 envelope
- insert the LS-72-1 envelope, with the enclosed LS-72, into the LS-72-2 envelope
- complete the registration and sign the certification statement on the LS-72-2 envelope.
- personally put the LS-72-2 envelope into the ballot box.

Note: See Exhibit 21 for a graphic diagram of in-person voting.

B

Absentee Voting

Absentee ballots must be:

- requested individually by each voter during the period August 1 through September 18, 2000

Notes: Absentee voters' packages will not be available until August 18.

Do **not** accept requests for multiple absentee ballots.

- filed in the County Office where the producer's farm records are administratively located or, for other producers, in the County Office where the producer owns hogs or pigs.

Continued on the next page

3 Referendum Requirements (Continued)

B

Absentee Voting (Continued)

Producers may request an absentee ballot by mail, FAX, telephone, or in person.

For each requested absentee ballot, the County Office shall enter the following information on LS-74:

- date request received
- name of individual or producer entity representative and entity represented
- address
- if mailed, the date ballot was mailed to the producer
- date completed ballot is returned.

Mail or hand to the absentee voter on or after August 18, 2000, the following:

- LS-72-1 (Exhibit 10)
- LS-73 (Exhibit 12)
- LS-73-1 (Exhibit 13)
- absentee voter's instructions, pages 1 and 2 (Exhibit 20)
- graphic diagram of absentee voting (Exhibit 21)

Note: If mailed, send the transmittal letter according to Exhibit 16.

4 Eligibility, Challenges, Appeals, and Resolutions

A

Eligibility

To be eligible to vote in the referendum, an individual must have been a "person" who was a producer of porcine animals in the United States for sale in commerce during the period from August 18, 1999, through August 17, 2000.

Definition: A person is any individual, group of individuals, joint venture, general or limited partnership, corporation, estate, trust, association, cooperative, or other legal entity.

Continued on the next page

4 Eligibility, Challenges, Appeals, and Resolutions (Continued)

A

Eligibility (Continued)

Groups of eligible individuals, such as any of the following, are entitled to only 1 vote for the group:

- members of a family
- joint venture
- partnership, general or limited
- owners of community property
- corporation.

Notes: Individual members of a group, such as spouse, children, siblings, parents, partner, shareholder, etc., are eligible to vote in addition to the vote submitted for the group if they have, as an individual, owned and sold hogs or pigs separate from the group during the representative period.

Individuals who produce porcine animals under contract for another entity, such as a slaughter house, are not eligible to vote unless they owned and sold hogs or pigs under their own name.

In some cases, the voter may voluntarily provide evidence of the production during the representative period. If so, accept the evidence, mark the evidence to identify it to the voter, and place in a separate file. If this producer is later challenged, COC shall use the information provided in making its decision.

Participation in the referendum by proxy or Power of Attorney is not authorized, except that an authorized representative of any eligible producer entity (other than an individual producer) may vote in the referendum on behalf of that entity. This individual must certify that he or she is authorized by the entity to take such action.

B

Challenges

Producer's eligibility to vote in the referendum may be challenged by any individual after the vote is cast. To be valid, each challenge must:

- be signed by the challenger
 - be in writing and not a photocopy or facsimile
-

Continued on the next page

4 Eligibility, Challenges, Appeals, and Resolutions (Continued)

B

Challenges (Continued)

- be on a separate piece of paper
- include the full name of the individual or entity whose eligibility is being challenged
- for absentee votes cast, be received by mail or in person at anytime during regular business hours from August 18 through October 2, 2000
- for in-person votes cast, be received by mail or in person at anytime during regular business hours, from September 19 through October 2, 2000.

Challenges not meeting the requirements are invalid. Invalid challenges shall not be processed. Document why the challenge is invalid.

County Offices shall:

- accept all challenges, valid and invalid
- for any ballot challenged, enter “Challenged” in the “Office Use Only” column on LS-74 or LS-75, as applicable, indicating that a producer or producer entities’ eligibility has been challenged. After the challenge is resolved, enter “eligible” or “ineligible” in the same column.
- **not** reveal the name of the challenger to anyone requesting the information.

Note: Refer all requests for names of challengers to AMS. Have the requester file a written FOIA request to:

SHARON KERR, FOIA OFFICER
USDA AMS
STOP 0273
1400 INDEPENDENCE AVE SW
WASHINGTON DC 20250-0273.

Continued on the next page

4 Eligibility, Challenges, Appeals, and Resolutions (Continued)

C

Determination of Challenges

COC or designee shall make all determinations concerning the eligibility of producers who have been properly challenged, including STC, SED, COC, CED, and FSA employees, with the following exceptions:

- COC shall resolve challenges of STC, SED, CED, and FSA employees eligibility

Note: This action shall not be delegated.

- other COC members shall resolve a challenge of a COC member's eligibility.

Challenged producers shall provide evidence to prove pork production during the representative period, August 18, 1999, through August 17, 2000, which may include, but is not limited to the following:

- sales documents
- tax records
- other similar documents.

Note: Do **not** require that specific documents, such as tax records, be submitted. It is the responsibility of the challenged producer to provide whatever documentation may be needed to make a determination. It is not the responsibility of FSA to obtain this documentation.

In some cases, the voter may have voluntarily provided evidence. If the voter can be determined eligible using previously provided evidence without additional evidence, mark LS-74 or LS-75, as applicable, eligible. There is no need to notify the producer.

Continued on the next page

4 Eligibility, Challenges, Appeals, and Resolutions (Continued)

C

Determination of Challenges (Continued)

For other cases, County Offices shall:

- notify the producer in writing using Exhibit 1 as soon as possible, but not later than October 10, 2000, of:
 - the challenge and the pending determination of eligibility
 - right to submit evidence of eligibility
- make every effort to contact the producer by telephone as well as sending written notification
- document the date and time of all telephone calls and when the person was actually contacted and attach to the challenge.

Notify the producer in writing using Exhibit 2 as soon as possible but not later than October 24, 2000, of the COC determination and right to appeal. Fully document action taken and determination made in the COC minutes. A copy of the documentation shall be on or attached to the challenge.

If the producer is determined eligible, send Exhibit 3 to the producer and mark LS-74 or LS-75 eligible.

If the producer is determined ineligible, COC or designee shall:

- notify the producer in writing using Exhibit 2 of ineligibility and appeal rights
- note on LS-74 or LS-75 that the person is ineligible.

If the producer determined ineligible does not appeal within the time allotted, COC or designee shall document that the producer:

- did not file an appeal
- is determined ineligible.

Continued on the next page

4 Eligibility, Challenges, Appeals, and Resolutions (Continued)

D

Appeals

A producer determined to be ineligible because of a challenge may file an appeal with the Administrator, AMS. The appeal shall be filed at the County Office within 7 workdays from the date of the notification letter, but no later than COB November 2, 2000.

COC will FAX the appeal and all supporting documents to the Administrator, AMS, at 202-720-1125 or 202-720-3499 for a decision on the appeal. The Administrator, AMS, will FAX the County Office the decision no later than November 28, 2000.

The County Office shall notify all appellants in writing of the AMS Administrator's determination on the appeal as soon as possible but no later than COB November 28, 2000. Enclose a copy of the decision and:

- use Exhibit 17 if the producer's appeal to vote in the referendum has been approved
 - use Exhibit 18 if the producer's appeal to vote in the referendum has been denied.
-

E

Resolved Challenges

A challenge shall be determined to be resolved if:

- COC determines the producer eligible
- COC determination of ineligibility is not appealed on time
- Administrator, AMS, determination is made after appeal.

Note: AMS Administrator's determinations are final, and no further appeal is allowed.

5 Counting Ballots

A

Process of Counting Ballots

Ballots will be counted as soon as possible after the opening of the County Office on November 29, 2000. The public may view the process from an area designated, but may not interfere.

Continued on the next page

5 Counting Ballots (Continued)

B

Procedure for Counting Ballots CED or designee shall supervise the counting of LS-72's and LS-73's which shall be completed by at least two FSA employees as follows.

| Step | Procedure |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Open ballot box and remove all contents. |
| 2 | Sort ballots into 2 stacks, LS-72-2's, In-Person Registration and Certification, and LS-73-1's, Absentee Voting. |
| 3 | <p>Compare each LS-72-2 to LS-75, In-Person Voter Registration List. Check for complete and accurate information. If any of the following conditions apply, set LS-72-2 aside:</p> <ul style="list-style-type: none"> the name and address of the voter (the "individual", "legal entity", or "group of individuals with a joint ownership") written on the in-person registration form does not appear on LS-75 LS-72-2 is missing data. <p>Note: It is not required that LS-72-2 have a telephone number.</p> <p>For ballots meeting these conditions, mark each LS-72-2 "INVALID" boldly in red. Do not open these LS-72-2's.</p> <p>For ballots mutilated or marked in such a way that any required information on the form is illegible, the ballot is considered spoiled and not eligible. Mark each LS-72-2 "SPOILED" boldly in red and set aside.</p> <p>Remove LS-72-2 for any of the challenged voters determined to be ineligible to vote. Mark these LS-72-2's boldly in red "CHALLENGED-INELIGIBLE" and set aside.</p> <p>Open the remaining LS-72-2's and separate LS-72-2 from their enclosed LS-72-1.</p> <p>Open LS-72-1.</p> <p>Remove LS-72 and LS-72-1's. If any LS-72 is mutilated or marked in such a way that any required information on the form is illegible or it is not possible to determine a yes or no vote:</p> <ul style="list-style-type: none"> the ballot is considered spoiled and not eligible mark boldly in red "SPOILED" and set aside. |

Continued on the next page

5 Counting Ballots (Continued)

B Procedure for Counting Ballots (Continued)

| Step | Procedure |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 | <p>When opening LS-72-1's, if the Registration and Certification Statement, more than 1 ballot, or any other documents are enclosed, the ballot is considered invalid. Staple all the documents together and mark LS-72-1 boldly in red "INVALID" and set aside.</p> <p>Place the remaining LS-72's in a stack to be counted.</p> <p>Count the number of valid ballots:</p> <ul style="list-style-type: none"> • and enter the amount on Exhibit 4, subparagraph 1 A • favoring continuation of the Pork Checkoff and enter the amount on Exhibit 4, subparagraph 2 A • favoring termination of the Pork Checkoff and enter the amount on Exhibit 4, subparagraph 3 A. |
| 4 | <p>Separate LS-73-1's into 2 stacks. In the first stack, place those LS-73-1's with names and addresses that match the names and addresses on LS-74, Absentee Voter Request List. In the second stack, place those LS-73-1's with no name and address or names and addresses that do not match LS-74. Set the non-matching stack aside. Check the matching stack using the following procedure. Open LS-73-1's and compare the enclosed absentee Registration and Certification Statement form to LS-74, Absentee Voter Request List. Check for complete and accurate information. If any of the following conditions apply, staple LS-73-1 to any other enclosed documents and set aside.</p> <ul style="list-style-type: none"> • The name and address of the voter (the "individual", "legal entity", or "group of individuals with a joint ownership") written on the absentee Registration and Certification Statement form does not appear on the Absentee Voter Request List form. • The Registration and Certification Statement is missing data. • The absentee Pork Referendum envelope contains more than 1 registration form. • The absentee voter fails to separate the absentee Registration and Certification Statement form from the absentee ballot. • The absentee voter does not enclose the Registration and Certification Statement form in LS-73-1 • Returned by mail but not postmarked on or before September 21, 2000. • Returned by mail and postmarked on or before September 21, 2000, but not received by COB September 28, 2000. • The LS-73-1 envelope contains more than one LS-72-1, Pork Ballot envelope. <p>Note: It is not required that the Registration and Certification Statement have a telephone number.</p> |

Continued on the next page

5 Counting Ballots (Continued)

B
Procedure for
Counting Ballots
(Continued)

| Step | Procedure |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | <p>For ballots meeting these conditions, mark each LS-73-1 "INVALID" boldly in red. Do not open these LS-72-1's enclosed in LS-73-1. Staple the absentee Registration and Certification Statement and LS-72-1 to LS-73-1 and set aside.</p> <p>If the absentee Registration and Certification Statement enclosed in LS-73-1 is mutilated or marked in such a way that any required information on the form is illegible, the ballot is considered spoiled and not eligible. Mark each LS-73-1 "SPOILED" boldly in red, staple LS-73-1 and all enclosed documents together, and set aside.</p> <p>Remove LS-73-1 for any of the challenged voters determined to be ineligible to vote. Staple the enclosed LS-72-1 and enclosed Registration and Certification Statement to LS-73-1. Mark LS-73-1 boldly in red "CHALLENGED-INELIGIBLE" and set aside.</p> <p>Separate the remaining LS-73-1's and their respective Registration and Certification Statements from their enclosed LS-72-1. Place LS-72-1's in a separate stack.</p> <p>Open LS-72-1. Remove LS-73 from all LS-72-1's. If any LS-73 is mutilated or marked in such a way that any required information on the form is illegible or it is not possible to determine a yes or no vote:</p> <ul style="list-style-type: none"> • the ballot is considered spoiled and not eligible • mark boldly in red "SPOILED" and set aside. <p>When opening any LS-72-1's, if the Registration and Certification Statement, more than 1 ballot, or any other documents are enclosed, the ballot is considered invalid. Staple all the documents together.</p> <p>Place the remaining LS-72's in a stack to be counted.</p> <p>Count the number of valid ballots:</p> <ul style="list-style-type: none"> • and enter the amount in Exhibit 4, subparagraph 1 B • favoring continuation of the Pork Checkoff and enter this amount in Exhibit 4, subparagraph 2 B • favoring termination of the Pork Checkoff and enter the amount in Exhibit 4, subparagraph 3 B. |

Continued on the next page

5 Counting Ballots (Continued)

B Procedure for Counting Ballots (Continued)

| Step | Procedure |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | <p>Check the non-matching stack using the following procedure. Open each LS-73-1 with no name and address or a name and address that does not match LS-74. Compare the enclosed absentee Registration and Certification Statement form to LS-74, Absentee Voter Request List form. Check for complete and accurate information. If any of the following conditions apply, staple LS-73-1 to any other enclosed documents and set aside.</p> <ul style="list-style-type: none"> • The name and address of the voter (the “individual”, “legal entity”, or “group of individuals with a joint ownership”) written on the absentee Registration and Certification Statement form does not appear on the Absentee Voter Request List form. • The Registration and Certification Statement is missing data. • The absentee Pork Referendum envelope contains more than 1 registration form. • The absentee voter fails to separate the absentee Registration and Certification Statement form from the absentee ballot. • The absentee voter does not enclose the Registration and Certification Statement form in LS-73-1 • Returned by mail but not postmarked on or before September 21, 2000. • Returned by mail and postmarked on or before September 21, 2000, but not received by COB September 28, 2000. • The LS-73-1 envelope contains more than one LS-72-1, Pork Ballot envelope. <p>Note: It is not required that the Registration and Certification Statement have a telephone number.</p> <p>For ballots meeting these conditions, mark each LS-73-1 “INVALID” boldly in red. Do not open these LS-72-1’s enclosed in LS-73-1. Staple the absentee Registration and Certification Statement and LS-72-1 to LS-73-1 and set aside.</p> <p>If the absentee Registration and Certification Statement enclosed in LS-73-1 is mutilated or marked in such a way that any required information on the form is illegible, the ballot is considered spoiled and not eligible. Mark each LS-73-1 boldly in red “SPOILED”, staple LS-73-1 and all enclosed documents together, and set aside.</p> <p>Remove LS-73-1 for any of the challenged voters determined to be ineligible to vote. Staple the enclosed LS-72-1 and enclosed Registration and Certification Statement to LS-73-1. Mark LS-73-1 boldly in red “CHALLENGED-INELIGIBLE” and set aside.</p> <p>Separate the remaining LS-73-1’s and their respective Registration and Certification Statements from their enclosed LS-72-1. Place LS-72-1’s in a separate stack.</p> |

Continued on the next page

5 Counting Ballots (Continued)

B Procedure for Counting Ballots (Continued)

| Step | Procedure |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | <p>Open LS-72-1. Remove LS-73 from all LS-72-1's. If any LS-73 is mutilated or marked in such a way that any required information on the form is illegible or it is not possible to determine a yes or no vote:</p> <ul style="list-style-type: none"> the ballot is considered spoiled and not eligible mark boldly in red "SPOILED" and set aside. <p>When opening any LS-72-1's, if the Registration and Certification Statement, more than 1 ballot, or any other documents are enclosed, the ballot is considered invalid. Staple all the documents together.</p> <p>Count the number of valid ballots:</p> <ul style="list-style-type: none"> enter the amount on Exhibit 4, subparagraph 1 C favoring continuation of the Pork Checkoff and enter this amount in Exhibit 4, subparagraph 2 C favoring termination of the Pork Checkoff and enter the amount in Exhibit 4, subparagraph 3 C. |
| 6 | Count all challenged ballots deemed ineligible and enter this amount in Exhibit 4, paragraph 4. |
| 7 | Count all invalid ballots and enter this amount in Exhibit 4, paragraph 5. |
| 8 | Count all spoiled ballots and enter this amount in Exhibit 4, paragraph 6. |

6 Counting Votes in the Pork Referendum

A Counting County Office Results

Votes in the referendum on LS-72 and LS-73 shall be counted as follows:

- number of valid ballots
- number favoring continuation of the Pork Checkoff
- number favoring termination of the Pork Checkoff
- number of challenged ballots deemed ineligible
- number of invalid ballots
- number of spoiled ballots.

Record the data on Exhibit 4.

7 Reports and Records

A Results of the Pork Referendum

Results of the referendum shall not be made available to the public until notified by EDSO.

The County Office shall:

- FAX referendum results to the State Office by COB December 1, 2000

Note: Submit a negative report using Exhibit 4 if no votes are received.

- FAX Exhibit 7 listing expenses incurred, including work hours by grade and hourly rate, and for advertising, reproduction, and mailing expenses, including paper, envelopes, and postage

Note: There shall be no negative reports for expenses. Every County Office will have occurred some expense considering the items in this subparagraph.

- after notification by EDSO, post the referendum results for 30 calendar days in the County Office in a conspicuous place accessible to the public.
-

B State Office Reporting

State Offices shall:

- review all County Office data for accuracy
- summarize the results of the referendum received from all County Offices within the State and record the data on Exhibit 5
- summarize on Exhibit 19 the County Office expenses listed on Exhibit 7, and State Office expenses

Note: All County Offices in the State must submit reports of the results and expenses of the referendum.

- FAX completed Exhibit 5 and Exhibit 19 showing the results and expenses of the referendum to Director, ORAS, at 202-690-3354 no later than COB December 8, 2000
-

Continued on the next page

7 Reports and Records (Continued)

B

**State Office
Reporting
(Continued)**

- maintain a file of advertisements of the referendum received from counties on Exhibit 7
- not make results available to the public until notified by EDSO.

The State Office report shall be certified by SED and maintained on file for a period of not less than 12 months.

C

**Disposition of
Records**

County Offices shall retain all referendum materials in a sealed container in the custody of CED until December 10, 2001. If no notice to the contrary is received from EDSO by that date, the records shall be destroyed.

Letter to Challenged Voter

Note: Do **not** modify body of letter.

Dear :

This is to inform you that your eligibility to vote in the recent pork referendum has been challenged. The FSA County Committee is responsible for determining whether or not you are eligible.

To be determined eligible, you must provide documentation that you sold hogs or pigs during the period August 18, 1999 through August 17, 2000, which may include:

- bills of sale
- 4-H or FFA records that verify sales
- tax records
- other suitable documents.

Documentation must be received in the FSA County Office within 5 business days from the date of this letter but not later than close of business, October 17, 2000. Also, if you wish to meet with the County Committee, call for an appointment. The County Office will make a final determination as soon as practical, but no later than October 24, 2000.

Sincerely,

County Executive Director
Some County FSA Office

Letter to Ineligible Voter

Note: Do **not** modify body of letter.

Dear _____ :

This is to inform you that your eligibility to vote in the referendum on the Pork Promotion, Research, and Consumer Information Order was challenged and the County Committee has reviewed all information provided and determined that you are not eligible to vote in the referendum.

You have the right to appeal this determination to the Administrator of the Agricultural Marketing Service (AMS) within 7 business days from the date of this notification letter but no later than November 2, 2000.

If you wish to file an appeal, submit your written appeal to the County Office. The appeal and any supporting documents will be faxed to the Administrator, AMS, for a decision which shall be final.

The County Office will notify you of the decision on your appeal as soon as possible not later than November 28, 2000.

Sincerely,

County Executive Director
Some County FSA Office

Letter to Eligible Voter

Note: Do **not** modify body of letter.

Dear :

This is to inform you that the documentation you provided confirms your eligibility to vote in the Pork Referendum and the County Committee has determined that your ballot will be counted.

Sincerely,

County Executive Director
Some County FSA Office

County Office Pork Referendum Report

Name of State: _____

Name of County: _____

Is the **County** submitting a negative report? **Yes or No** (Circle one)

1. Number of valid ballots: _____
 - A. Number of In-Person ballots. _____
 - B. Number of Absentee ballots that have names and addresses on the LS-73-1 that match the names and addresses on the LS-74 _____
 - C. Number of Absentee ballots that have no name and address on the LS-73-1 or have names and addresses on the LS-73-1 that do not match the names and addresses on the LS-74. _____
2. Number favoring continuation of the Pork Checkoff _____
 - A. Number of In-Person ballots _____
 - B. Number of Absentee ballots that have names and addresses on the LS-73-1 that match the names and addresses on the LS-74. _____
 - C. Number of Absentee ballots that have no name and address on the LS-73-1 or have names and addresses on the LS-73-1 that do not match the names and addresses on the LS-74. _____
3. Number favoring termination of the Pork Checkoff: _____
 - A. Number of In-Person ballots _____
 - B. Number of Absentee ballots that have names and addresses on the LS-73-1 that match the names and addresses on the LS-74 _____
 - C. Number of Absentee ballots that have no name and address on the LS-73-1 or have names and addresses on the LS-73-1 that do not match the names and addresses on the LS-74. _____

County Office Pork Referendum Report (Continued)

- 4. Number of challenged ballots deemed ineligible: _____
- 5. Number of invalid ballots: _____
- 6. Number of spoiled ballots: _____

PREPARED BY: _____

| | | |
|------|-------|------|
| Name | Title | Date |
|------|-------|------|

I hereby certify that I have reviewed the information on this form, and that it is true, complete and correct to the best of my knowledge and belief.

| | |
|------------------------------------|---------------|
| _____ County Executive Director | _____ Date |
|------------------------------------|---------------|

State Office Pork Referendum Report

Name of State: _____Is the **State** submitting a negative report? **Yes or No** (Circle one)

1. Number of valid ballots: _____
 - A. Number of In-Person ballots. _____
 - B. Number of Absentee ballots that have names and addresses on the LS-73-1 that match the names and addresses on the LS-74 _____
 - C. Number of Absentee ballots that have no name and address on the LS-73-1 or have names and addresses on the LS-73-1 that do not match the names and addresses on the LS-74. _____
2. Number favoring continuation of the Pork Checkoff _____
 - A. Number of In-Person ballots _____
 - B. Number of Absentee ballots that have names and addresses on the LS-73-1 that match the names and addresses on the LS-74 _____
 - C. Number of Absentee ballots that have no name and address on the LS-73-1 or have names and addresses on the LS-73-1 that do not match the names and addresses on the LS-74. _____
3. Number favoring termination of the Pork Checkoff: _____
 - A. Number of In-Person ballots _____
 - B. Number of Absentee ballots that have names and addresses on the LS-73-1 that match the names and addresses on the LS-74 _____
 - C. Number of Absentee ballots that have no name and address on the LS-73-1 or have names and addresses on the LS-73-1 that do not match the names and addresses on the LS-74. _____

Continued on the next page

State Office Pork Referendum Report (Continued)

4. Number of challenged ballots deemed ineligible: _____
5. Number of invalid ballots: _____
6. Number of spoiled ballots: _____

PREPARED BY: _____
Name Title Date

I hereby certify that I have reviewed the information on this form, and that it is true, complete and correct to the best of my knowledge and belief.

State Executive Director Date

Referendum on Pork Promotion, Research, and Consumer Information Order

| Event | Dates |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| Representative period of eligibility. | August 18, 1999 through August 17, 2000 |
| Published Final Rule. | July 13, 2000 |
| First day producers can request absentee ballots. | August 1, 2000 |
| First day absentee ballot may be distributed by the County Office. | August 18, 2000 |
| Last day for distributing absentee ballots. | September 18, 2000 |
| In-Person voting in the County Office. | September 19 through September 21, 2000 |
| Last day to hand deliver absentee ballots to the County FSA Office or get them postmarked if mailed. | September 21, 2000 |
| Last day for absentee ballots mailed by September 21, 2000, to be received in the County Office. | September 28, 2000 |
| <ul style="list-style-type: none"> • Period for challenging in-person and absentee voters. • Period County Office must update daily and post producer lists (LS-74 and LS-75). | September 19 through October 2, 2000 |
| Last day to notify challenged voters. | October 10, 2000 |
| Last day for challenged voters to provide documentation of eligibility. | October 17, 2000 |
| Last day for COC to make a determination of eligibility and notify voters. | October 24, 2000 |
| Last day for voters to appeal COC determination of eligibility. | November 2, 2000 |
| Last day for COC to FAX appeals to the Administrator, AMS. | November 3, 2000 |
| <ul style="list-style-type: none"> • Last day for Administrator, AMS, to resolve appeals and notify County Offices. • Last day for County Offices to notify producers. | November 28, 2000 |
| Count ballots in the County Office. | November 29, 2000 |
| County Office submits results to State Offices. | December 1, 2000 |
| State Office submits results to ORAS, Washington | December 8, 2000 |

County Office Pork Referendum Costs Report

Name of State: _____**Name of County:** _____

| | <u>Hours Worked</u> | <u>Costs</u> |
|-----------------------------------------------------------------------------------------------------------|----------------------------|---------------------|
| 1. List Grade and Title of personnel working on referendum including COC. | _____ | _____ |
| 2. Advertising costs including County Office newsletter, radio scripts, TV scripts, local newspaper, etc. | | _____ |
| 3. Reproduction Costs. | | _____ |
| 4. Mailing Costs. | | _____ |
| 5. Envelope Costs. | | _____ |
| 6. Postage Costs. | | _____ |
| | Total | _____ |

Notes: Only enter time and costs for referendum work. If the referendum notice is put in the County Office newsletter, only put the percentage applicable to the referendum.

Also send, attached to this exhibit, a copy of the County Office newsletter, articles from newspapers, radio scripts, TV scripts, a copy of the notice posted in the County Office, and note any advertisements of the referendum.

USDA Announces Procedures, Dates for Referendum on Pork Checkoff

_____, _____, _____, _____, today announced
City, State Date Name of FSA Official Title of FSA Official

final procedures and dates for the upcoming referendum on continuation of the pork checkoff program. Secretary Dan Glickman authorized a vote on continuation of the checkoff program in February.

The congressionally mandated pork checkoff program is funded by assessments collected from producers when hogs are sold. The funds are used for pork promotion, research, and consumer information. Program funds cannot be used to affect the outcome of the referendum vote.

The final referendum rules provide for in-person voting September 19-21, 2000, at

_____.
Name & Address of FSA County Office

Absentee ballots may be requested beginning August 1. However, absentee ballots for producers will become available from the _____ County FSA Office from August 18, 2000, through September 18.

The public is invited to observe the counting of the ballots at _____ County FSA Office on November 29, 2000, at time.

Producers who have owned and sold one or more pigs or hogs at any time from August 18, 1999, through August 17, 2000, are eligible to vote. Producers are to vote in the County Office where the producer's farm records are administratively located or, for other producers, in the county where the producer owns hogs or pigs.

The final rule will be published in the *Federal Register* on July 13 and will be on the web at:
<http://www.ams.usda.gov/lsg/mpb/pork/pkrefrule.htm>.

USDA Announces Procedures, Dates for Referendum on Pork Checkoff (Continued)

AMS Release No. 199-00

Ronda Kircher (202) 720-8998

rondam.kircher@usda.gov

Billy Cox (202) 720-8998

billy.cox@usda.gov**USDA ANNOUNCES PROCEDURES, DATES FOR REFERENDUM ON PORK CHECKOFF**

WASHINGTON, July 12, 2000 – Kathleen Merrigan, administrator of USDA's Agricultural Marketing Service, today announced final procedures and dates for the upcoming referendum on continuation of the pork checkoff program. Secretary Dan Glickman announced in late February that he was authorizing a vote on continuation of the checkoff program.

The congressionally mandated pork checkoff program is funded by assessments collected from producers when hogs are sold. The funds are used for pork promotion, research, and consumer information. Program funds cannot be used to affect the outcome of the referendum vote.

"We received 1,005 comments, and have worked hard to improve the rule based on what people have told us. Our goal is to have a fair referendum," said Merrigan.

The final referendum rules provide for in-person voting Sept. 19-21 at Farm Service Agency county offices and absentee voting Aug. 18-Sept. 21. Absentee ballots may be requested beginning August 1 and will be available Aug. 18. Importers will vote by mail Aug. 18-Sept. 21 and may request mail ballots from the FSA headquarters office in Washington, D.C., beginning Aug. 1, however importer mail ballots will not be available until Aug. 18.

Producers who have owned and sold one or more pigs or hogs at any time from Aug. 18, 1999, through Aug. 17, 2000, are eligible to vote, as are those who have imported pigs, hogs, pork, or pork products during this time period.

The final rule will be published in the *Federal Register* on July 13 and will be on the web at: <http://www.ams.usda.gov/lsg/mpb/pork/pkrefrule.htm>.

#

An electronic version of this news release can be obtained via the World Wide Web at:
<http://www.ams.usda.gov/news/newsrel.htm>

Example of LS-72, In-Person Ballot

Form Approved - 0581-0194

**PORK PRODUCER
IN-PERSON VOTING****UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
REFERENDUM ON THE PORK
PROMOTION, RESEARCH, AND
CONSUMER INFORMATION ORDER****ELIGIBLE VOTERS:**

- **Individual Producers:** Any individual who owned and sold one or more pigs or hogs at any time between August 18, 1999, and August 17, 2000, in his or her own name may cast one vote as an individual producer.
- **Business Entity Producers:** A corporation, partnership, estate, or other legal business entity that owned and sold one or more pigs or hogs at any time between August 18, 1999, and August 17, 2000, is entitled to one vote. An authorized individual may cast the business entities' vote.
- **Producers Who Sell Hogs as Individuals and Represent a Business Entity:** If an individual owned and sold one or more pigs or hogs between August 18, 1999, and August 17, 2000, in his or her own name and is an authorized representative of a legal business entity who owned and sold one or more pigs or hogs between August 18, 1999 and August 17, 2000, he or she may cast the one vote for the business entity and one vote as an individual producer.
- **Contract Producers are Not Eligible to Vote:** Individuals or business entities that raise pigs or hogs under production contracts are not eligible to vote unless they owned and sold one or more pigs or hogs in their own name.

INSTRUCTIONS TO VOTERS (Please read carefully):

1. Before you **VOTE**, you must *print your name and address* on the **In-Person Voter Registration List**, and if you are voting on behalf of a legal business entity, such as a partnership, corporation, estate, etc., also print its name and address on the **In-Person Voter Registration List**.
2. Individual producers and other producer entities may vote at the county Farm Service Agency (FSA) office where FSA maintains and processes the producer's administrative farm records. Producers not participating in FSA programs may vote in the county FSA office serving the county where the producer owns hogs and pigs.
3. If you are voting as an individual, please print **your** name, address, and telephone number in the spaces provided and sign the **Registration and Certification Statement**. If you are voting on behalf of a legal business entity, such as a partnership, corporation, estate, etc., print your name first and then print its name, address, and telephone number in the spaces provided and sign the **Registration and Certification Statement**.
(If you do not complete this step your ballot will be invalidated and your vote will not be counted.)
4. Check "Yes" or "No" on the **Ballot** below. Put this form in the envelope marked "**PORK BALLOT**" and seal it.
5. Put the "**PORK BALLOT**" envelope into the "**PORK REFERENDUM**" envelope, seal it, and place it in the designated "Ballot Box."

BALLOT

Do you favor continuing the Pork Checkoff program?

☐**YES**☐**NO**

Example of LS-72-1, Pork Ballot Envelope

PORK BALLOT

Seal and insert into envelope marked "Pork Referendum".

LS-72-1 (06-00)

3 5/8" x 6 1/2" ENVELOPE

Example of LS-72-2, In-Person Registration and Certification

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FORM APPROVED - OMB NO. 0581-0194 | |
| <p>UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE</p> <p>REFERENDUM ON THE PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER</p> <p>IN-PERSON REGISTRATION AND CERTIFICATION</p> | <p><small>According to the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0093. The time required to complete this information collection is estimated to average .05 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The authority for requesting the information to be supplied on this form is the Pork, Promotion, Research, and Consumer Information Act of 1985. The information would be furnished to pork producers and importers of pork and pork products who voluntarily participate in the referendum.</small></p> <p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means of communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 328-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.</small></p> <p><small>You may, by law, be fined up to \$10,000, imprisoned up to 5 years, or both, for knowingly or willfully making false statements within this document (18 USC Section 1001).</small></p> |
| <p>NOTE: If you are voting as an individual, please print your name, address, and telephone number in the spaces provided and sign the Registration and Certification Statement. If you are voting on behalf of a legal business entity, such as a partnership, corporation, estate, etc., print your name first and then print its name, address, and telephone number in the spaces provided and sign the Registration and Certification Statement.</p> | |
| NAME (See note above) | REPRESENTING (if applicable) |
| MAILING ADDRESS (Street, P.O. Box, or Route No., City, State, ZIP Code) | TELEPHONE NUMBER (including area code) |
| CERTIFICATION STATEMENT | |
| <p><i>I HEREBY CERTIFY at some time between August 18, 1999, and August 17, 2000, I, or the entity that I am authorized to represent, owned and sold one or more pigs or hogs and that this is the only vote I am casting in this capacity in the pork referendum. I further certify that to the best of my knowledge and belief the information provided herein is true and accurate.</i></p> | |
| SIGNATURE | DATE |
| LS-72-2 (08-00) | |
| 4 1/8" X 9 1/2" ENVELOPE | |

PORK REFERENDUM

Example of LS-73, Combined Registration and Absentee Ballot

Form Approved - 0581-0194

PORK PRODUCER ABSENTEE VOTING

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
**REFERENDUM ON THE PORK
PROMOTION, RESEARCH, AND
CONSUMER INFORMATION ORDER**

ELIGIBLE VOTERS:

- **Individual Producers:** Any individual who owned and sold one or more pigs or hogs at any time between August 18, 1999, and August 17, 2000, in his or her own name may cast one vote as an individual producer.
- **Business Entity Producers:** A corporation, partnership, estate, or other legal business entity that owned and sold one or more pigs or hogs at any time between August 18, 1999, and August 17, 2000, is entitled to one vote. An authorized individual may cast the business entity's vote.
- **Producers Who Sell Hogs as Individuals and Represent a Business Entity:** If an individual owned and sold one or more pigs or hogs between August 18, 1999, and August 17, 2000, in his or her own name and is an authorized representative of a legal business entity who owned and sold one or more pigs or hogs between August 18, 1999, and August 17, 2000, he or she may cast the one vote for the business entity and one vote as an individual producer.
- **Contract Producers are Not Eligible to Vote:** Individuals or business entities that raise pigs or hogs under production contracts are not eligible to vote unless they owned and sold one or more pigs or hogs in their own name.

INSTRUCTIONS TO VOTERS (Please read carefully):

1. If you are voting as an individual, please print **your** name, address, and telephone number in the spaces provided below and sign the **Registration and Certification Statement**. If you are voting on behalf of a legal business entity, such as a partnership, corporation, estate, etc., print your name first and then print **its** name, address, and telephone number in the spaces provided and sign the **Registration and Certification Statement**.
2. Mark "Yes" or "No" on the **Ballot** below.
3. Separate the completed **Ballot** from the rest of this form, and put the **Ballot** in the envelope marked "**PORK BALLOT**." Seal the "**PORK BALLOT**" envelope.
4. Place both the sealed "**PORK BALLOT**" envelope and remainder of the form containing the completed and signed **Registration and Certification Statement** into the envelope marked "**PORK REFERENDUM**." Seal the "**PORK REFERENDUM**" envelope. *Print your name and address in the upper left-hand corner of the "PORK REFERENDUM" envelope.*
5. Mail or deliver the "**PORK REFERENDUM**" envelope to the county Farm Service Agency (FSA) office from which you obtained the absentee voting materials. To be counted, your "**PORK REFERENDUM**" envelope must contain the correct and completed forms.
6. If the "**PORK REFERENDUM**" envelope is mailed, it must be postmarked not later than September 21, 2000, and arrive in the county FSA office not later than September 28, 2000.
7. If the "**PORK REFERENDUM**" envelope is hand delivered, it must arrive at the FSA county office by close of business September 21, 2000.
8. Failure to complete, sign, and return this **Registration and Certification Statement** with the **Ballot** will invalidate the **Ballot** and your vote will not be counted. **Late ballots will not be counted.**

| REGISTRATION AND CERTIFICATION STATEMENT (Absentee voting) | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| NAME (See instruction number 1) | REPRESENTING (if applicable) |
| MAILING ADDRESS (Street, P.O. Box, or Route No., City, State, ZIP Code) | TELEPHONE NUMBER (including area code) |
| I HEREBY CERTIFY at some time between August 18, 1999, and August 17, 2000, I, or the entity that I am authorized to represent, owned and sold one or more pigs or hogs and that this is the only vote I am casting in this capacity in the pork referendum. I further certify that to the best of my knowledge and belief the information provided herein is true and accurate. | |
| SIGNATURE | DATE |

LS-73 (06-00) You may, by law, be fined up to \$10,000, imprisoned up to 5 years, or both, for knowingly or willfully making false statements within this document (18 USC Section 1001).

SEPARATE HERE

BALLOT

Do you favor continuing the Pork Checkoff program?



YES



NO

(See reverse of form for Burden and Nondiscriminatory Statements.)

Example of LS-73-1, Pork Referendum Envelope

ABSENTEE VOTER REQUEST LIST

FORM APPROVED - OMB NO. 0581-0194

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

**REFERENDUM ON THE PORK PROMOTION,
RESEARCH, AND CONSUMER INFORMATION ORDER**

NOTE: A separate "Absentee Voter Request List" must be maintained for each county served.

PLEASE PRINT REQUIRED INFORMATION

[illegible]

LS-74 (06-00)

Example of LS-75, In-Person Voter Registration List

FORM APPROVED - OMB NO. 0581-0194

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

IN-PERSON VOTER
REGISTRATION LIST

REFERENDUM ON THE PORK PROMOTION,
RESEARCH, AND CONSUMER INFORMATION ORDER

COUNTY (Enter name of county)

NOTE: A separate "In-Person" Voter Registration List must be maintained for each county served.

PLEASE PRINT REQUIRED INFORMATION

| NAME AND ADDRESS OF VOTER | REPRESENTING <i>If voting as the authorized representative of a legal business entity (partnership, corporation, estate, etc.) enter its name and address.</i> | FOR OFFICE USE ONLY |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
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LS-75 (06-00)

Transmittal Letter from County FSA Office to Pork Producer Requesting Absentee Ballot Package

Use County Office Letterhead

Dear Pork Producer:

As requested on _____, enclosed are the absentee voting materials needed for participation in the Pork Referendum.

If your vote is returned by mail, it must be postmarked by September 21, 2000, and be received in the County Office by close of business on September 28, 2000. You may also hand deliver your ballot to the County Office by no later than close of business on September 21, 2000.

(Name of County FSA Office)

Address of County FSA Office)

-

(City) (State) (ZIP)

If you have any questions, please contact this office on _____.
(County FSA Telephone No.)

Sincerely,

County Executive Director

**Transmittal Letter from County FSA Office to Producer to Send AMS Administrator's Appeal
Approval Letter**

Note: Do **not** modify body of letter.

Dear _____ :

This is to inform you that your appeal of your eligibility to vote in the Pork Referendum has been granted by the Administrator, Agricultural Marketing Service.

Enclosed is a copy of the letter from the Administrator granting your appeal.

Your ballot will be counted.

Sincerely,

County Executive Director
Some County FSA Office

Transmittal Letter from County Office to Producer to Send AMS Administrator's Appeal Denial Letter

Note: Do **not** modify body of letter.

Dear :

This is to inform you that your appeal of your eligibility to vote in the referendum on the Pork Promotion, Research, and Consumer Information Order has been denied by the Administrator, Agricultural Marketing Service.

Enclosed is a copy of the letter from the Administrator denying your appeal.

Your ballot will not be counted.

Sincerely,

County Executive Director
Some County FSA Office

State Summary FSA Pork Referendum Costs Report

Name of State: _____

| | County Office Costs | State Office Costs | Total Costs |
|-----------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------|------------------------|
| 1. List Grade and Title of personnel working on referendum including COC or STC. | _____ | _____ | _____ |
| 2. Advertising costs including County Office newsletter, radio scripts, TV scripts, local newspaper, etc. | _____ | _____ | _____ |
| 3. Reproduction Costs. | _____ | _____ | _____ |
| 4. Mailing Costs. | _____ | _____ | _____ |
| 5. Envelope Costs. | _____ | _____ | _____ |
| 6. Postage Costs. | _____ | _____ | _____ |
| State Totals | _____ | _____ | _____ |

Referendum Information

Absentee Voting

- **Prospective voters can request absentee ballots from August 1 through September 18, 2000; however, ballots will not be distributed until August 18, 2000.**
 - **Absentee ballots will be available only from County Farm Service Agency (FSA) Offices.**
 - **Requests for absentee ballots may be made in-person, by telephone, by mail, or by facsimile.**
 - **Each prospective voter (i.e., each individual, legal entity, or group) may request only one absentee ballot.**
 - **Individual producers and other producer entities must request absentee ballots from the County FSA Office where FSA maintains and processes the producers' administrative farm records. Producers not participating in FSA programs may vote in the County FSA Office serving the county where the producer owns hogs and pigs.**
 - **Absentee ballots and completed registration forms returned by mail must be postmarked by September 21 and received in the County FSA Office from which they were obtained not later than September 28. Absentee ballots and completed registration forms returned in person must be received by the County FSA Office not later than September 21, 2000.**
-

Referendum Information (Continued)

Voting Eligibility

To be an eligible producer voter in this referendum, you must have been:

a "person", as that term is defined below, who produced one or more pigs or hogs in the United States for sale in commerce sometime during the period August 18, 1999, to August 17, 2000.

In this referendum, the term "person" means any of the following:

- an individual
- a legal entity (for example, a corporation, partnership, estate, etc.)
- a group of individuals with a joint ownership interest in pigs or hogs (for example, a family, a cooperative, an association, etc.)

In this referendum, there are three types of eligible persons who may vote:

- Any individual who owned and sold one or more pigs or hogs may cast one vote.
- A business entity, such as a corporation, partnership, etc. who owned and sold one or more pigs or hogs may cast one vote.
- A producer who sells pigs or hogs as an individual and who is an authorized representative of a legal business entity that owns and sells hogs or pigs may cast one vote for the business entity and one vote as an individual producer.

In this referendum, spouses who jointly produce and sell pigs or hogs are considered to be a "family" (i.e., a "group of individuals"), and are not entitled to two votes even in community property states.

Proxy Voting

A proxy is a person with authority to cast a ballot on behalf of an eligible voter. Only the following individuals may vote as proxies in this referendum:

| Voter | Proxy |
|----------------------------------------|----------------------------------------------|
| Corporation | Officer or employee |
| Estate | Administrator, guardian, executor or trustee |
| Other legal entity (e.g., partnership) | Authorized representative |

No one is authorized to register or to vote on behalf of an individual voter. For example, a parent cannot cast a ballot on behalf of a child.

Referendum Information (Continued)

Proof of Eligibility

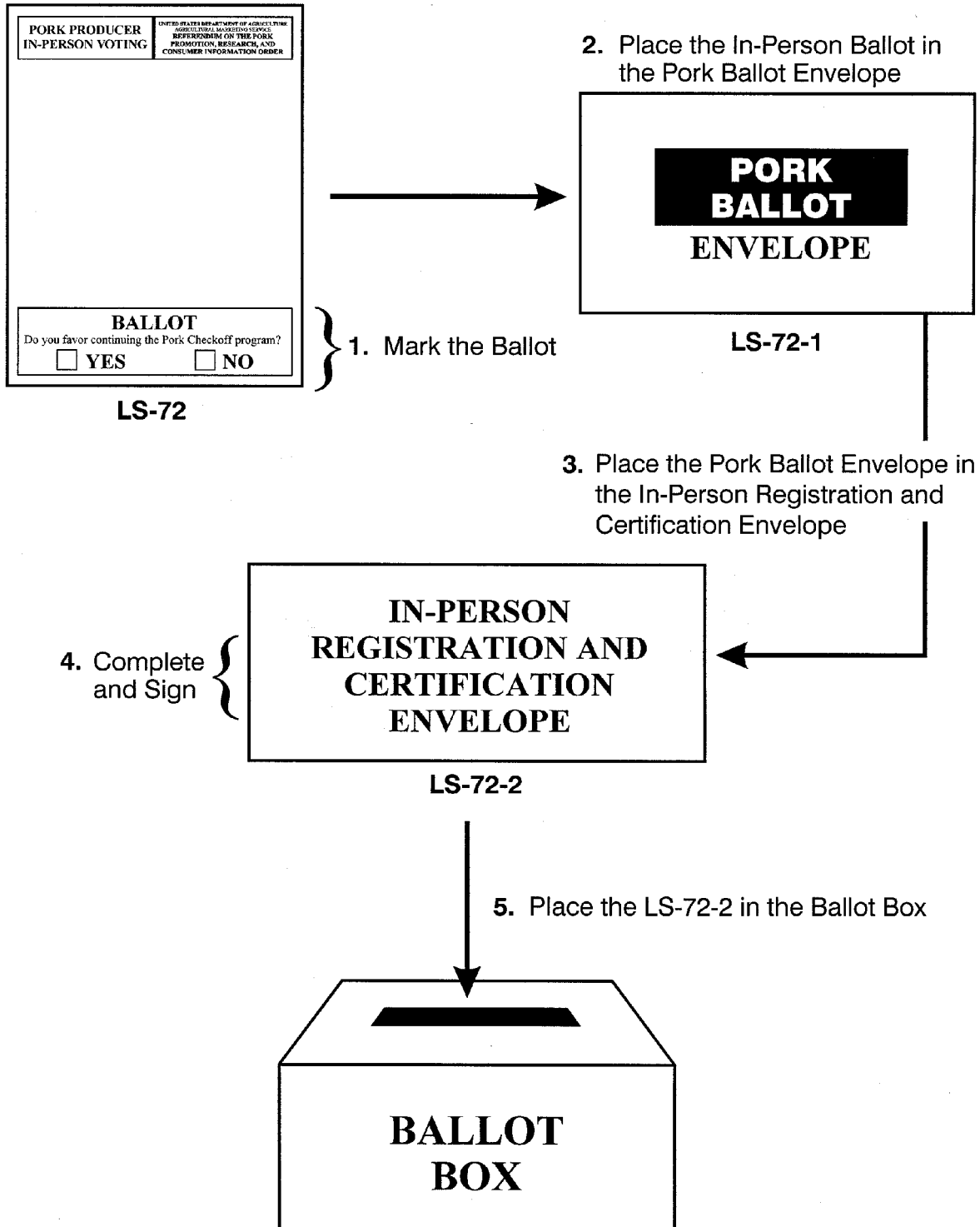
If your eligibility to vote as a **producer** is challenged, any one of the following may be acceptable proof that you owned and sold one or more pigs or hogs sometime between August 18, 1999 and August 17, 2000:

Producer Supplied:

- bill of sale
 - tax records
 - other similar document showing sale and ownership.
-

Graphic Diagram of Absentee and In-Person Voting

Process For In-Person Voting



Continued on the next page

Graphic Diagram of Absentee and In-Person Voting (Continued)

Process For Absentee Voting

